

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6208

BILL NUMBER: SB 118

NOTE PREPARED: Dec 7, 2011

BILL AMENDED:

SUBJECT: Various Election Law Matters.

FIRST AUTHOR: Sen. Landske

FIRST SPONSOR:

BILL STATUS: As Introduced

**FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL**

IMPACT: State & Local

Summary of Legislation: *Candidate Filings-* The bill provides that a candidate filing required to be made with the Election Division is void if the filing is made with a county election official.

Republican Precinct Committeemen- The bill adds a cross-reference concerning the election of Republican Party precinct committeemen.

School Board Office Write-In Candidates- The bill repeals a provision establishing procedures governing the declaration and withdrawal of a declaration by a write-in candidate for a school board office elected at a primary election.

Party Affiliations- The bill specifies that the party affiliation requirements for a primary candidate include voting in a previous primary of the party in Indiana.

All Required Documents for Candidate Nomination By Petition- The bill provides that a candidate's nomination by petition is not effective unless the candidate files all required documents.

Petition of Nomination for Special Election Candidates- The bill provides that a petition of nomination for a candidate in a special election called by the Governor must be filed not later than 74, rather than 50, days before the election.

Earlier Deadline for Certificate of Nomination for Independent or Minor Party Petition Candidates- The bill specifies noon July 3 before election day, rather than noon on the second Tuesday in September before a general election, as the deadline for filing a certificate of nomination to replace an independent or minor

party candidate nominated by petition.

Large Contributions for Statewide Candidates- For large contributions to statewide candidates, the bill: (1) removes a reference to filings by fax (current law does not permit statewide candidates to file by fax); and (2) requires the reporting of contributions received after the end of a reporting period and not less than 48 hours before an election.

Poll Workers in Town Election- The bill permits a poll worker in an election conducted by a town election board to serve if the worker meets the same qualifications as a worker in a town election conducted by a county election board.

Special Elections for Multiple United States House of Representatives Vacancies- The bill establishes procedures regarding a special election held to fill multiple vacancies in the United States House of Representatives.

Obsolete Election Division Provisions- The bill removes obsolete references to ballots formerly printed by the Election Division and voting system standards.

Filing of Vacancy Before Vacancy Exists- The bill permits the filling of a county, city, town, or township office before a vacancy exists whenever the person holding the office has submitted a written resignation or been elected to another office.

Limitation of Election Day Guard Musters- The bill extends the limitation on National Guard musters or assemblies to all types of election days.

Petition of Nominations in Mishawaka and East Chicago School Districts- The bill establishes that a petition of nomination in Mishawaka and East Chicago school district elections may not be filed earlier than 104 days before the election. (Current law specifies the final date for filing is 74 days before the election.)

Conforming Amendment- The bill makes a conforming amendment following the enactment of HEA 1074-2011 (P.L.179-2011) concerning the terms of office of school board members.

No Census Before Town Dissolution or Name Change- The bill removes a requirement for a census of registered voters before a town can dissolve or change its name.

Effective Date: Upon passage; July 1, 2012.

Explanation of State Expenditures: *Earlier Deadline for Certificate of Nomination for Independent or Minor Party Petition Candidates-* The Election Division would have about two more months to process substitutions for candidates of independent or minor parties seeking federal, state, legislative, and certain local offices. The Election Division's current level of resources would be sufficient to accommodate these proposed changes.

Special Elections for Multiple United States House of Representatives Vacancies- In the event of extraordinary circumstances (as defined in United States Code to be when the Speaker of the U.S. House of Representatives declares more than 100 seats in the House to be vacant) the Election Division would have to process petitions of nomination for new congressional candidates. It is likely the Election Division would be able to process these petitions within their existing level of resources.

Limitation of Election Day Guard Musters- It is likely this provision would have a minimal effect on National Guard mustering under general peacetime circumstances, as the National Guard will report for drill one weekend per month and for one two-week period during a given year.

Explanation of State Revenues:

Explanation of Local Expenditures: *Republican Precinct Committeemen-* This provision would have a negligible increase on local primary balloting expenditures. If more precinct committeemen were elected in the primary instead of a general election, the cost to move the candidates to the primary ballot would likely be minimal. As a result, with fewer precinct committeemen elected at the general election, ballot costs for general elections would be reduced slightly.

School Board Office Write-In Candidates- This provision may slightly reduce the administrative time devoted to school board elections if election officials did not have to process paper work on potential candidates petitioning to either enter or withdraw their names from consideration for school board as a write-in.

Special Elections for Multiple United States House of Representatives Vacancies- A special election would be conducted by the provisions of the state election code as far as applicable. Expenses would include securing poll workers, printing ballots, providing for meals to poll workers, and the establishment of precinct election facilities. Expenditures would be similar to a general election. However, counties that print ballots for optical-scan machines may see lower printing costs as the only office on the ballot would be for U.S. Representative.

Filing of Vacancy Before Vacancy Exists- This provision would affect offices in counties, cities, towns, and townships that are not held by a major political party. The provision would allow the option of caucus meetings to be conducted prior to vacancy. Under current law, with certain exceptions, a caucus to replace such an official is conducted no later than ten days after the official has vacated the office.

Conforming Amendment- This provision would have no impact on local expenditures given that HEA 1074-2011 already eliminated primary elections for elected school board members, and now requires all elected school board members to be elected in the general election.

No Census Before Town Dissolution or Name Change- This provision could make it easier for certain towns to be dissolved or have their names changed, if payment for a census to be conducted were not necessary. Under current law, when petitioners wish to dissolve a town or rename the town, their petition must be accompanied by a bond for costs and expenses, payable to and approved by the town legislative body. The petitioners are required to pay all costs and expenses incurred, including the expenses of an election if their petition is not successful. Therefore, the petitioners would no longer need to consider the cost of a special census to be conducted when filing such a petition.

Public Question- When approval has been set by the legislative body of the town, a public question is put to the voters of the town to change the name or dissolve the town, whichever is applicable. The election board sets the date of the election. Therefore, the public question may or may not be set on a general or primary election. If a special election were to occur, there would be additional expenditures for the town in question.

Background Information- Expenses to run an election include precinct election board per diem, rental of a facility for polling (if necessary), and/or voting equipment (if necessary).

The following table shows the precinct election officers in a precinct election board as provided by law. The table also includes the average pay per election by each office:

Type of Officer	Number	Average Pay Per Election*
Inspector	1	\$129
Judge	2	\$97
Poll Clerk**	2	\$94
Sheriff**	2	\$106
Asst. Poll Clerk**	2	\$94
*Based on a survey of all counties with 57 responding. **May be eliminated by resolution of entire county election board.		

Certain counties pay the judge of the party opposite of the inspector more than the judge of the inspector's party. The additional pay compensates for extra duties of the opposite-party judge, who accompanies the inspector to drop off the election ballots and canvases after the polls close to the county election board office. Many counties are not able to fill every position, and several do not have assistant poll clerks. Additionally, counties may by resolution of the entire election board discontinue sheriff and poll clerk appointments. Very few counties in the survey had assistant poll clerks or sheriffs.

Explanation of Local Revenues:

State Agencies Affected: Election Division.

Local Agencies Affected: Cities, counties, towns, townships, county election boards, circuit court clerks.

Information Sources: Counties responding to an LSA survey on precinct election officer compensation.

Fiscal Analyst: Chris Baker, 317-232-9851.